

ENTERED

October 23, 2015

David J. Bradley, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

RANDALL WILLIAMS,
(TDCJ-CID #1809695)

Plaintiff,

vs.

WARDEN JONES, *et al.*,

Defendants.

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CIVIL ACTION NO. H-15-0775

MEMORANDUM AND OPINION

The plaintiff, Randall Williams, has not responded to this court's August 26, 2015 order requiring him to file a more definite statement of the facts on which his complaint is based. (Docket Entry No. 16). The court's order set a September 25, 2015 deadline and warned Williams that "[f]ailure to comply as directed may result in the dismissal of this action." On September 11, 2015, Ronald Sutherland, TDCJ-CID Inmate #1650667, filed an "advisory" to the court as next friend. (Docket Entry No. 17). The document stated that Williams has end-stage liver disease and terminal cancer, is on pain medications, and is incapable of even the smallest actions on his behalf. Sutherland has been preparing all the filings in this case; Williams "has not filed one sentence of any document himself." (Docket Entry No. 17, p. 1).

Sutherland asks that he be allowed to sign pleadings on Williams's behalf and asks for the appointment of counsel. Sutherland has previously filed several suits although he disputes the three strikes provision of 28 U.S.C. § 1915(g), applies to him.

Pro se litigant cannot represent another. The *pro se* litigant must sign every document filed with the court. If a nonattorney signs a pleading, motion, or other document on behalf of a *pro se* party, the court will not consider that document.

Given the gravity of Williams's illness, it is not clear that he authorized Sutherland to file this lawsuit or knows about it. The allegations do not otherwise warrant appointing counsel.

Dismissal without prejudice is appropriate. *See* FED. R. CIV. P. 41(b); *Link v. Wabash R.R.*, 370 U.S. 626 (1962); *Woodson v. Surgitek, Inc.*, 57 F.3d 1406, 1417 (5th Cir. 1995); 8 J. MOORE ET AL., MOORE'S FEDERAL PRACTICE § 41.51(3)(b) & (c) (3d ed. 2010). Upon a proper showing, relief from this order may be granted under FED. R. CIV. P. 60(b). *See Link*, 370 U.S. at 635.

This action is dismissed without prejudice for want of prosecution.

SIGNED on October 23, 2015, at Houston, Texas.



Lee H. Rosenthal
United States District Judge